

REMARKS/ARGUMENT

Reconsideration and allowance of the present application in view of the above amendments and following remarks is respectfully requested>

In the Office Action dated December 30, 2003, the Examiner:

- withdrew claims 4, 5, 7, 15, 18-22, 24 and 25 from further consideration pursuant to 37 C.F.R. § 1.142(b) as being drawn to nonelected inventions and species;
- rejected claims 1, 11, and 12 under 35 U.S.C. 102(a&e) as being anticipated by United States Patent No. 6,117,135 to Schlapfer et al.;
- rejected claim 16 under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,201,215 to Crossett et al.;
- rejected claims 2 and 23 as being unpatentable over Schlapfer in light of United States Patent No. 6,623,486 to Weaver et al.

I. Amendments to the Claims

Claims 1-3, 6, 8-14, 16-17, and 23 are pending. Claims 26-38 are new. Claims 1 and 16 are currently amended. Specifically, Claim 1 is amended to more clearly point out that the release member is “removable” and that the first and second plates are “releasably” mated. Claim 16 is amended to clarify that the release member is “slidably” movable relative to both the first and second plates. Both amendments find support in the current specification. Accordingly, no new matter has been added.

Applicant note with appreciation the examiner’s indication that claims 3, 6, 8-10, 13, 14, and 17 contain allowable subject matter.

II. Rejections under § 102(a & e)

Claims 1, 11, and 12 were rejected under 35 U.S.C. § 102(a&e) as being anticipated by United States Patent No. 6,117,135 to Schlapfer *et al.* (the “Schlapfer ‘135 patent”). For the reasons set forth below, these rejections are respectfully traversed.

Applicant respectfully submit that the Schlapfer ‘135 patent does not disclose, teach, or suggest all of the limitations of Claim 1. Specifically, there is no disclosure, teaching or

suggestion in the Schlapfer ‘135 patent of a “removable release member holding the first and second plates together wherein the first and second plates are dimensioned to releasably mate with one another such that the first and second longitudinal bores are aligned to receive the release member”, as required in Claim 1.

Instead, the Schlapfer ‘135 patent discloses a device wherein two plates are attached by longitudinal members 34, 44, the members being fixed within bores 40 by fastening screws 56, where the heads 88 of the fastening screws 56 are “*twisted off*.” (*Id.* at 5:29-30) (emphasis added). Thus, the longitudinal members 34, 44 *cannot be removed*. In use, they are fixed by fastening screws 56, the heads 88 of which have been twisted off to effectively render the fastening screws 56 (and thus the longitudinal members 34, 44) *irremovable* in the bores 40. Thus, the device described in the Schlapfer ‘135 patent does not disclose, teach, or suggest all of the limitations of Claim 1. Withdrawal of this rejection and allowance of independent Claim 1 is respectfully requested. With respect to Claims 11 and 12, which depend from Claim 1, applicants submit that because these claims define more particular aspects of the inventions, as well as reciting the features of Claim 1, they are also patentably distinguished over the Schlapfer ‘135 patent for at least the same reasons as identified with respect to Claim 1.

III. Rejections under § 102(b)

Claim 16 was rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent No. 4,201,215 to Crossett et al. (the “Crossett ‘215 patent”). Applicants have amended Claim 16 to require “...a release member for holding the first and second plates together, wherein the release member is slidably associated with *both* the first and second plates. . .” The Crossett ‘215 patent does not disclose, teach, or suggest a “release member...slidably associated with both the first and second plates.” Rather, the Crossett ‘215 patent has tongues 84 which protrude from plate 82 and are movably associated with only one plate 86 via recesses 88. The Crossett ‘215 tongues 84 are integral to the first clamping member 82, and thus the tongues cannot be slidably associated with the first clamping member. Thus, the Crossett ‘215 patent does not teach, disclose, or suggest a release member slidably associated with *both* plates. As all of the features recited in Claim 16 are not disclosed, taught, or suggested by the Crossett ‘215 patent, Applicants submit that his claim is allowable. Withdrawal of this rejection and allowance of independent Claim 16 is respectfully requested.

IV. Rejections under § 103(a)

Claims 2 and 23 were rejected under 35 U.S.C. 103(a) and being rendered obvious by the Schlapfer ‘135 patent in light of United States Patent No. 6,623,486 to Weaver *et al.* (the “Weaver ‘486 patent”). As stated above, the Schlapfer ‘135 patent fails to teach a removable release member holding the first and second plates together wherein the first and second plates are dimensioned to releasably mate with one another such that the first and second longitudinal bores are aligned to receive the release member.” Instead, the Schlapfer ‘135 patent discloses a device wherein two plates are attached by longitudinal members 34, 44, the members being fixed within bores 40 by fastening screws 56, where the heads 88 of the fastening screws 56 are “*twisted off*.” (*Id.* at 5:29-30) (emphasis added). Thus, the longitudinal members 34, 44 *cannot be removed*. In use, they are fixed by fastening screws 56, the heads 88 of which have been twisted off to effectively render the fastening screws 56 (and thus the longitudinal members 34, 44) *irremovable* in the bores 40. Thus, the device described in the Schlapfer ‘135 patent does not disclose, teach, or suggest all of the limitations of Claim 1.

The Weaver ‘486 patent likewise fails to teach this limitation. Thus, it would not have been obvious to one of ordinary skill in the art to construct the device as specified in Claims 2 and 23. Examiner’s rejection of Claims 2 and 23 is therefore respectfully traversed.

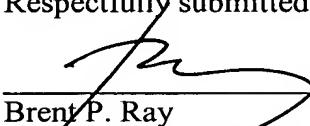
CONCLUSION

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney if a telephone call could help resolve any remaining items.

Applicants estimate that due to the addition of new independent claim 30, and new dependent claims 26-29 and 31-38, a fee of \$122.00 is required for this Amendment. An appropriate Fee Transmittal Form is enclosed. Any additional fees should be charged to Jones Day Deposit Account No. **503013**.

Respectfully submitted,

Date: March 30, 2004

 54,390

(Reg. No.)

Brent P. Ray
For: Brian M. Rothery
(Reg. No. 35,340)

JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939